AN ORDINANCE OF THE LORDS and COMMONS Assembled in PARLIAMENT,

For

The Repairing of CHURCHES, and paying of all CHURCH-DUTIES

Whatsoever, within the Kingdome of *England*, and Dominion of *Wales*.

Die Mercurii, 9 *Februarii*. 1647.

ORdered by the Lords *Assembled in Parliament*, That this Ordinance for repairing of Churches, and paying of Church-Duties, be forthwith printed and published, and sent to all Churches and Chappels within the Kingdom of England *and Dominion of* Wales.

Joh. Brown Cler. Parliamentorum.

Imprinted at *London* for *John Wright* at the Kings Head in the Old Bayley. 1647.

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Die Mercurii, 9. Februarii. 1647.

An Ordinance for repairing Churches, and for payment of Church-Duties.

FOr the upholding and keeping all Pariſh Churches and Chappels within this Kingdom of *England* and Dominion of *Wales*, from utter ruine and decay, and for payment of Church-duties; It is Ordered and Ordained by the Lords and Commons Aſſembled in Parliament, that four, three, two, or one ſubſtantiall Inhabitant or Inhabitants of every Pariſh or Chappelry aforeſaid (having reſpect to the proportions or greatneſſe of every ſuch Pariſh or Chappelry) ſhall be nominated and choſen yeerly on the Munday or Tueſday in Eaſter-week, by the Pariſhioners of every Pariſh or Chappelry, (which are or ſhall be rateable to the repair of any ſuch Church or Chappel) or the greateſt part of ſuch of them as ſhall be then aſſembled for the choice of Officers within the Pariſh or Chappelry, to be Church-warden, or Churchwardens, or Collectors of moneys for Church-Duties, within every ſuch Pariſh or Chappelry reſpectively, where any ſuch Church-warden or Churchwardens have or hath been formerly uſed to be nominated or choſen, or in default hereof, every ſuch Pariſh or Chappelry ſhall forfeit

the ſumme of forty ſhillings, to the uſe of the poore of the ſaid Pariſh, to be recovered, as is hereafter expreſſed, which Churchwardens or Collectors ſo to be choſen, are within one moneth after their choice to be allowed and approved of, under the hands and ſeals of two of the next Juſtices adjoyning to the Pariſh or Chappelry aforeſaid.

And it is further Ordained, That the Church-wardens or Collectors aforeſaid, together with the Overſeers of the poore of the ſame Pariſh or Chappelry, or the greater part of them, upon publike notice thereof firſt to be given by the Church-wardens in the ſaid Church or Chappel, ſhall from time to time make rate or aſſeſſement by taxation of every Inhabitant dwelling or reciding within ſuch Pariſh or Chappelry, and of every Occupier of Lands, Houſes, Tythes impropriate, or Impropriation of Tythes, Colemynes, or Saleable underwoods, or other Hereditaments, within the ſaid Pariſh or Chappelry, in ſuch competent ſumme and ſummes of money as they ſhall think fit, for and towards the reparation and maintenance of every ſuch Pariſh-church or Chappel reſpectively, and providing of Books for the ſaid Church or Chappel, and of Bread and Wine to be uſed at the adminiſtration of the Sacrament there, and for repairing the Walls and Incloſures of the Church-yards, or burying places therunto reſpectively belonging, and for doing and performing every ſuch thing & things as by this Ordinance is appointed to be done, at the charge of ſuch Pariſh or Chappelry; As alſo for the doing and executing of all and every matter, which to the office, place, or duty of the Church-wardens of any ſuch place wherein they

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ſhall be reſpectively choſen, ſhall appertain to be done; which ſaid church-warden or church-wardens ſhall within foure daies after the end of their yeere, and after other church-warden or church-wardens nominated, make and yield to the ſucceeding church-wardens, and to ſuch Juſtices of the Peace as aforeſaid, a true and perfect account of all ſumms of money by them received, or rated and aſſeſſed, and not received; and of all other things concerning their ſaid Office, and ſuch ſum or ſums of money as ſhall be in their hands, ſhall pay and deliver over to the ſaid church-warden or church-wardens newly nominated & appointed as aforeſaid, upon pain that every one of them being negligent or faulty therein, or in the execution of the ſaid Office, ſhall forfeit for every ſuch default or negligence, the ſum of twenty ſhillings to the uſe of the poore of ſuch pariſh or chappelry, as aforeſaid, whereof he ſhall be church-warden. And it is Ordained by the Authority aforeſaid, That all Rates, Taxations, and Aſſeſſments, heretofore made by the Church-warden or Church-wardens of any Pariſh or Chappelry aforeſaid, by themſelves or with others, according to the cuſtome of ſuch Pariſh or Chappelry, ſince the firſt day of *March*, in the yeere of our Lord God 1641. for or towards the repaire of any church or chappel reſpectively, or doing of any thing appointed by this Ordinance to be done, if they ſhall now be confirmed by the two next Juſtices of the Peace, they ſhall ſtand and be as good and effectuall in the Law, to all intents and purpoſes, as if the ſame were to be made or done by & according to this Ordinance: And that it ſhall and may be lawfull, as well for the preſent

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as ſubſequent Church-wardens or Collectors, or any of them, their Rates being firſt confirmed by the two next Juſtices of the Peace, by Warrant under the hands and ſeals of two ſuch Juſtices of the Peace within ſuch County or Towns corporate, to leavy as well all and every the ſaid ſummes of money, and all Arrearages of every one which ſhal refuſe or neglect to pay or contribute their rateable parts of ſuch Aſſeſſments as aforeſaid, and the forfeitures before mentioned by diſtreſſe, and ſale of the Offenders goods, as alſo all and every the ſumme and ſummes of Money which ſhall be behinde upon any Church-wardens Account, for, or concerning the repaire of any ſuch Church or Chappel, or other the things aforeſaid; and likewiſe the ſumme of two ſhillings for and towards the charge and expence in leavying of the ſame, rendring to the party or parties the overplus; and in default of ſuch Diſtreſſe, it ſhall be lawfull for any two ſuch Juſtices of the Peace, to commit him or her, or them ſo refuſing, or neglecting as aforeſaid, to the common Goale of the County, City, or Town corporate reſpectively, where ſuch Juſtices of the Peace are, and ſuch offences ſhall be committed, there to remain without Bayle or Mainprize, untill payment of the ſaid ſeverall ſummes and Arrearages; and to commit to the ſaid Priſon every one of the ſaid Church-wardens which ſhall refuſe to account, there to remain without Bayle or Mainprize, untill he hath made a true Account, and ſatisfied and payd ſo much as upon the ſaid Account ſhall be remaining in his hands. Provided alwaies, that if any perſon or perſons ſhall finde him, or her, or themſelves agrieved with any

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Aſſeſſment, or Tax, or other act done by the ſaid Church-warden or Church-wardens, or by the ſaid Juſtices of the peace, or any of them, that then it ſhall and may be lawfull for the party grieved to complain thereof at the next generall Quarter Seſſions of the Peace, where the Juſtices of the Peace, or the greater number of them ſhall make ſuch order therein, as to them ſhall be thought convenient, and the ſame to conclude and binde all the ſaid parties.

And be it further Ordained, That the Mayors, Bayliffs, or other head Officers of every City, Town, or Place corporate within this Realme, or the Dominion of *Wales*, being Juſtice, or Juſtices of the Peace, ſhall have the ſame Authority by vertue of this Ordinance within the ſeverall limits and precincts of their juriſdictions, as well out of Seſſions as at their Seſſions, if they ſhall hold any, as is before limited, preſcribed, and appointed to Juſtices of the Peace of the Country, or any two or more of them, or to the Juſtices of the Peace in their Quarter Seſſions, to doe and execute for all the uſes and purpoſes in this preſent Ordinance preſcribed, and no other Juſtice, or Juſtices of the Peace to intermeddle there; and that every Alderman of the City of *London* within his Ward, ſhall and may doe and execute in every reſpect ſo much as is appointed and allowed in this Ordinance to be done, and executed by one or two Juſtices of the Peace of any County within this Realm. And be it alſo ordained, That if it ſhall happen that any Pariſh doe extend it ſelfe into more Countries then one, or part thereof doe lye within the Liberties of any City, Town, or Place corporate, and part without, that then the

Justices of the peace of every County, as also the head Officer, or Officers; or Justices of the Peace of such City, Town, or Place corporate, shall deale and intermeddle onely in so much of the said Parish as lieth within their Liberties, and not any further; and every of them respectively within their severall Limits, Wards, and Jurisdictions, to execute the Ordinance afore-mentioned concerning the confirming of Rates, the giving of Warrant for the leavying of Taxes unpayd, the committing to prison such as refuse or neglect to pay their rateable part of the said Assessments having no sufficient Distresse, the taking Accounts of Church-wardens, and the committing to prison such as refuse to account, or deny to pay Arrearages due upon their Accounts; and yet nevertheless Church-wardens, or the greatest number of them of the said Parishes extending into such severall Limits and Jurisdictions, shall without dividing themselves duly execute their Office in all places within their said Parish in all things to them belonging; and shall duely exhibit and make one account before the head Officer, or Officers, or Justices of the peace of such Town, or place corporate, and one other before the Justices of the said County, or any such two of them as is aforesaid.

And be it further Ordained, that if any action of trespasse, or other suit shal happen to be attempted, or brought against any person, or persons, for taking any distresse, or making any sale, or any other thing doing by the authority of this present Ordinance, the defendant or defendants in any such action or suit, and all others which in their ayd and assistance, or by their commands shall doe any act or thing touching

touching or concerning the premiſes, or any of them, or his or their Officer, or Officers, it ſhall and may be lawfull for them, and every of them to plead the generall iſſue, that he or they are not guilty, and to give ſuch ſpeciall matter in evidence to the Jury which ſhall try the ſame; which ſpeciall matter being pleaded, had been a good and ſufficient matter in Law to have diſcharged the ſaid Defendant or Defendants of the Treſpaſſe or other matter laid to his charge; and that if upon the triall of any ſuch Action or Suit, the plantiff or plantiffs ſhall not prove to the Jury which ſhall try the ſame, that the fact or cauſe of his or their Action or Suit, was, or were had, made committed, or done, within the County wherein ſuch Action or Suit ſhall be laid, That then in every ſuch caſe the Jury which ſhall try the ſame ſhall finde the Defendant or Defendants in every ſuch Action or Suit not guilty, without having any reſpect or regard to any evidence given by the Plantiffe or Plantiffes therein, touching the Treſpaſſe, Fact, or cauſe, for which the ſame Action or Suit is or ſhall be brought; and that if the Verdict ſhall paſſe with the ſaid Defendant or Defendants in ſuch Action, or the Plantiffe or Plantiffes therein become non-ſuit, or ſuffer any diſcontinuance thereof, that in every ſuch caſe the Juſtice or Juſtices, or ſuch other Judge, or Court before whom the ſaid matter ſhall be tried or depending, ſhall by force and vertue of this Ordinance allow unto the Defendant or Defendants his or their double coſts which he or they ſhall have ſuſtained by reaſon of his or their wrongfull vexation in defence of the ſaid Suit or Action, for which the ſaid defendant or defendants ſhal have like remedy,

as in other cases where costs by Law of this Realm are given to the Defendants: and for as much as the Church-wardens or Collectors aforesaid may peradventure be careless or negligent in performing their duty; it is further Ordered and Ordained, that upon complaint made to the two next Justices, or one of them, or other information had thereof, the aforesaid Justices, or one of them, shall or may in their own persons view the said Churches or Chappels, or appoint the Minister, and some other of the Parishioners to certifie unto them, or one of them, what reparations are or shall be needfull, and thereupon they or one of them shall by a Warrant under their hand and seals to the Church-wardens order and direct what reparations shal be done within the said Churches or Chappels, and limit and appoint the time for the doing of the same: and if the order aforesaid be not performed, they shall bind over the said Church-wardens or Collectors, or any of them, for their negligence therein, to the next Sessions of the Peace, where, if the court shal allow of the order, the Offender or Offenders upon due proof of his or their negligence or offence herein shall be severely fined, so as the fine exceed not forty shillings upon any one of them, and the offender is to be committed untill the fine be paid, which is to be disposed of to the use of the poore of the said Parish or Chappelry. Provided alwaies, and it is the intent and meaning of the said Ordinance, that the Parishioners, and the Church-wardens or any Parish or Chappelry shall not be charged with, or lyable unto the repairing any Chancell, or Chancels, or of any particular Isle in Churches or Chappels, which have formerly by preseription, or

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custom been used to be repaired by the Parsons or Vicars, Impropriators, or others, but that the said Parsons, Vicars, Impropriators, and all other persons whatsoever, both politique and corporate, their heirs and successors, which have formerly been lyable to the Reparations of all or any part of any Church, Chappel, Chancel, Isle, or other place belonging to the same by any custome whatsoever, shall still be lyable to the same to all intents and purposes; and for their negligence herein shal and may be Ordered by the two next Justices, or shall or may be presented, or indicted by the Churchwardens or any others, at the next Sessions of the Peace, where the offender for his offence herein shall be fined and proceeded against in such manner as the Church-warden for his negligence is to be proceeded against by vertue of this Ordinance. Provided also, where any Parish or Chappelry hath any Lands or Tenements or yeerly Rents, or Annuities formerly given to the repairing of their Churches or Chappels, & for Church-duties, the Churchwardens, or Collectors aforesaid shall be from henceforth Receivers of the said Rents and profits, and shall have power by Warrant from the Justices, to cause the parties who ought to pay the same to be bound over to the next Sessions, where they shall be, upon due proofe and hearing the said Parties, ordered to pay the said Rents and forfeits to the Church-wardens and Collectors aforesaid, who shall dispose of the same according as it ought to be disposed of, and thereby ease the Parish of so much of the charge, and shall yeerely account for the same in their accounts as Church-wardens. Provided that this Ordinance, as to the repairing of Churches shall

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not extend to Parishes or Chappelries where the Churches or Chappels are totally subverted or ruined by these unhappy Wars, extremity of age, or other casualties, nor to any Cathedrals or Collegiate Churches, which are only to be repaired as formerly they have been used and accustomed. And lastly, it is Ordained, That all offences against this Ordinance shall and may be enquired of, heard and determined before his Majesties Justices of Assize, of Oyer and Terminer, or Gaol delivery, or before the Justices of the Peace of any County, City, or Town corporate, where any such offences shal be committed by proof of witnesses upon Oath, which the Justices aforesaid shall hereby have power to administer, and at their generall Sessions of the Peace by Indictment, Information, or otherwise, as the case shall require, wherein no wager of Law, Essoyn, Protection, or Injunction shall be admitted or allowed. And it is further Ordered by the Lords and Commons aforesaid, That all and every Sextin, or Parish-clerk within the Parishes aforesaid, shall have their due Fees from the severall Parishes, to be ordered and recovered by Warrant from the Justices in such manner as the Rates made for Church-wardens are ordered to be leavied by this Ordinance; and that they be elected and chosen in such manner as formerly in every Parish hath been accustomed.

Joh. Brown Cler. Parliamentorum.

29 *April*, 1652. *Resolved upon the Question by the Parliament*,

That it be referred to the Committee appointed to receive proposals for the better propagation of the Gospel, to take into speedy consideration how a competent and convenient maintenance for a godly and able Ministery may be setled in lieu of Tythes, and present their opinion therein to the House, and that Tythes shall be paid as formerly, untill such maintenance be setled.

FINIS.